

FORAKER FIGHTS FOR THE NEGROES

Introduces Bill in Senate Providing for Investigation of Brownsville.

FOR SPECIAL COMMISSION

Would Take the Matter Entirely Out of the Executive's Hands.

WASHINGTON, D. C., December 14.—Senator Foraker to-day introduced an amendment to the bill providing for the re-enlistment of negro troops discharged without honor because of alleged participation in the affray at Brownsville, Tex., and addressed the Senate concerning the amendment. He proposes in his new measure to establish a tribunal consisting of retired army officers, naming these officers in the bill, before whom evidence may be submitted as to the guilt of defendants and before whom the defendants themselves might appear to answer charges.

The measure is so drawn as practically to take out of the hands of the executive and give to a tribunal appointed by Congress full authority to consider the Brownsville question, and by its findings provide for the re-enlistment of the discharged negroes.

Harassed by Detectives.
In addressing the Senate Mr. Foraker said it was an elementary proposition in American law that the accused may have an opportunity to confront the accuser and to appear in person and answer evidence with evidence.

He said that he had not expected it would be necessary to enter upon a new investigation of the Brownsville question, but that during the summer letters had been coming to him from these discharged negro soldiers, declaring that detectives were constantly engaging them in conversation, "These men," said Senator Foraker, "are not secret service detectives, of course, for they would have no right under the law to engage in such service."

Continuing, the Senator spoke of the activities of the detectives as outlined by his correspondents, saying that in many cases they went so far as to take up their dwelling with the discharged soldiers for the purpose of securing their confidence and spying upon their movements. The Senator read some extracts from the letters a large batch of which he held in his hand, as he spoke.

Message Is Read.
Upon the conclusion of Mr. Foraker's remarks, Mr. Culberson asked that the President's message on the Brownsville affair be read, and Vice-President Fairbanks directed that that be done, all Senators present remaining in their seats and listening attentively to the reading.

Senator Foraker took the floor as soon as the President's message and the accompanying reports had been read. He read a letter from Boyd Conyers, a discharged soldier, who is alleged to have made a confession to a colored detective, Lawson, whose report accompanied others contained in the document made up by the War Department and read to-day. In his letter to Senator Foraker Conyers speaks of the visit of Lawson to Brownsville, Ga., where Conyers has been living. Conyers says he learned that Lawson was there to "pick" him, and that he had the "high sheriff" arrest Lawson. As Lawson had not had an opportunity to have a private talk with Conyers, according to the latter's letter, it made him angry, and Conyers says Lawson "told lies" to the sheriff about him.

Negro Detective.
At this point Mr. Foraker referred caustically to this colored detective, calling attention to the fact that his "high-sounding, smooth, logical report is signed 'W. H. Mark,' and, pausing to look around the Senate, the Senator added:

"When this thing is gone to the bottom of all honest men will be ashamed of it."

Mr. Foraker said the statement of the President concerning this investigation by detectives showed the propriety of adopting such a provision as that embodied in his amendment.

"It seems to me," he said, "that one of the worst features of this whole unfortunate business is that this man should now be pursued in this way by secret detectives in the manner I have described."

Senator Foraker read a letter he had written to Conyers, in which he said he (the Senator) would "look after" the detectives who were visiting him "at the proper time."

"That promise will be made good," declared Mr. Foraker.

"Enough has been shown," he asserted, "to make it the imperative duty of the Senate to create a tribunal before which these men can go and receive a hearing. Is there anything

PRINCIPALS IN THE HAINS TRAGEDY



HAIN'S COUNSEL ARE SUBPOENAED

(Continued From First Page.)

Voorhees, of Indiana, Hannegan being a native of that State and a member of a prominent family.

Woman in the Case.
As in the present case there was a woman at the bottom of the Old Point crime, although her name was carefully guarded and no mention of it was permitted during the trial, although it was freely discussed in all circles in the vicinity of Hampton and Old Point at the time.

It has been generally understood that this was partly responsible for the verdict of acquittal, although there was a general discussion of matters of a more serious nature in connection with the securing of the jury.

The Shooting.
Hains and Hannegan had been friends for a long time, and had just returned to Old Point from a trip to Washington, making the return journey in a small boat. On the day in question, the two men had gone out in a canoe in Hampton Roads. While in this canoe and about a half-mile from shore, the killing occurred, Hains firing two shots at Hannegan, one of which penetrated his heart.

At the time of the shooting Hannegan had an oar in his hand, which he had been using as a tiller, with which to steer the boat. Hains claimed that a quarrel arose, and that Hannegan attacked him with the oar and he shot in self-defense.

Following the shooting Hains proceeded to sail the boat about in Hampton Roads and lower Chesapeake off Old Point for nearly two hours, and finally returning to shore, left the body in the boat and proceeded to the telegraph station, where he telegraphed his brother to the effect that he had shot Hannegan. His arrest followed, and the case came up in the court of Elizabeth City County.

Evans Witnessed Crime.
Captain Evans was sitting on his front porch at Old Point, overlooking the scene of the tragedy, and was an eye-witness to the shooting, his attention having been attracted to the boat. The claim of self-defense, set up by Hains was contradicted by Captain Evans, who saw no effort on the part of Hannegan to attack Hains before the shooting.

His testimony was bitterly attacked and a negro was found who claimed to have witnessed the shooting, and he was introduced as a witness to contradict Captain Evans. It was also brought out at the trial that Captain Evans and Thornton Jenkins Hains were unfriendly, and that their differences were on account of family matters.

Senator Voorhees, who had come to the trial, not as an attorney, but as a friend to the Hannegan family, was early involved, and he sprang into the trial to assist Judge Montague and Attorney Lippcomb to the full extent of his power.

On the following day Mr. and Mrs. Lippcomb left the Haines home and took their way to the government pier and waited for the Washington boat to arrive, which would take them back to their home. Except for the announcements of officials and others connected with the trial, proclaiming their innocence of anything wrong in connection with the case, and threats which for a time put a quietus to talk, the "Hains-Hannegan" case, as it is known in that section, was ended.

The Aftermath.
But the talk had not ended up to the time of the Hains killing last August. Thousands of residents of that section remembered all of the details perfectly, and it was not uncommon for weeks after the shooting of Hains to hear it said by some old residents: "I am not surprised at Tony Hains (Thornton Hains was known as 'Tony' at Old Point), but I never thought Pete Hains would shoot a man in private life."

In recent years Thornton Hains has acquired a reputation as a writer of searing short stories. There is an element of blood and thunder to be found in all of his fiction, which is taken to indicate the temperament of the man.

MEANLY LOSES SUIT

Street Car Company Not Responsible for Injury to Horse.

In the City Circuit Court yesterday the jury rendered a verdict for the defendant in the suit of Mr. D. Meanley against the receivers of the Virginia Passenger and Power Company.

Mr. Meanley sued for \$1,000 for injury to a horse and vehicle by a street car. The jury held that the company was not responsible for the accident.

THE PRESIDENT ON BROWNSVILLE

Recommends What, in His Opinion, Should Be Done in Case.

WASHINGTON, D. C., December 14.—The President to-day sent the following special message to the Senate, followed by a complete report of the investigation of the Brownsville affair, as conducted up to the present by Herbert J. Browne and Captain W. G. Baldwin, specially employed for the purpose by the department:

To the Senate:
I inclose herewith a letter from the Secretary of War transmitting a report of the investigation made by Mr. Herbert J. Browne, employed by the department in conjunction with Captain W. G. Baldwin to investigate as far as possible what happened at Brownsville on the 30th and 31st of August, 1906. The report and documents contain some information of great value and some statements that are obviously worthless, but I submit them in their entirety.

This report enables us to fix with tolerable definiteness at least some of the criminals who took the lead in the murderous shooting of private citizens at Brownsville. It establishes clearly the fact that the colored soldiers (leading to show that these troops were participants. As to Companies C and D, there can be no question that practically every man in them must have had knowledge that the shooting was done by some of the soldiers of B Troop, and possibly by one or two others in one of the other troops. This concealment was itself a grave offense, which was greatly aggravated by their testifying before the Senate committee that they were ignorant of what they must have known. Nevertheless, it is to be said in partial extenuation that they were probably coerced by threats, made by the more desperate of the men who had actually been engaged in the shooting, as to what would happen to any man who failed to protect the ringleaders. Moreover, there are circumstances leading to show that these misguided men were encouraged by outsiders to persist in their course of concealment and denial. I feel, therefore, that the guilt of the men who, after the event, thus shielded the perpetrators of the wrong by refusing to tell the truth about them, though serious, was in part due to the unwise and improper attitude of others, and that some measure of allowance should be made for the misconduct. In other words, I believe we can afford to restate any of these men who now truthfully tell what has happened, give all the aid they can to fix the responsibility upon those who are really guilty, and show that they themselves had no guilty knowledge beforehand and were in no way implicated in the affair, save by having knowledge of it afterwards and failing and refusing to divulge it. Under the circumstances, and in view of the length of time they have been out of the service, and their loss of the benefit that would have accrued to them by continuous long-term service, we can afford to let the men who meet the requirements given above as having been sufficiently punished by the consequences they brought upon themselves when they rendered necessary the exercise of the disciplinary power. I recommend that a law be passed allowing the Secretary of War, within a fixed period of time, say a year, to restate any of these soldiers whom he after careful examination, finds to have been innocent and whom he finds to have done all in his power to help bring to justice the guilty.

Meanwhile the investigation will be continued. The results have made it obvious that only by carrying on the investigation as the War Department has actually carried it on is there the slightest chance of bringing the offender to justice or of separating out the innocent, for there were doubtless hardly any innocent, but the less guilty from those whose guilt was heinous.

THOROUGH ROOSEVELT
The White House, December 14, 1908.

SPANISH WAR VETS

Fitz Lee Camp Will Give Banquet at Murphy's Two-Night.

Fitz Lee Camp of Spanish War Veterans will tender a banquet to the Virginia representatives of the United Spanish War Veterans at Murphy's Hotel to-night, and a large number of distinguished guests will attend.

General Charles W. Newton, of Hartford, Conn., commander-in-chief of the

national association, will be present with his staff.

General Newton and Miller and Colonel Smith and Johnson, of the national organization, United Spanish War Veterans, will be met at Elba Station on their arrival at 2:15 this afternoon, and entertained at the Commonwealth Club, and with an automobile trip through the city by a local committee of Fitz Lee Camp.

Prior to the banquet the veterans from the various sections of the State will hold a business meeting and form a permanent organization. A full list of officers will be chosen, and plans for the future of the organization will be discussed. The meeting will be largely attended.

LEAKE WILL PROBATED

Deed Recorded Transferring Family Residence to Mrs. Clara Leake.

Mrs. Clara Leake yesterday as executor of the estate of Judge William Josiah Leake. The estate, which is valued at \$45,000, is left to the immediate family.

A deed of bargain and sale was placed on record yesterday in the clerk's office of the Chancery Court conveying to Mrs. Clara B. Leake the family residence, No. 615 Park Avenue, without monetary compensation. The deed was drawn November 11, 1908, but was not on record until yesterday.

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Here's joy for the smoker. In Imported Cigars we carry a full line of Carolinas, Cabanas, Villars, La Meridiana, Henry Clays, Caracas, Ducks, Don Quixotes, Romeo and Juliet, Vinyets, Partagas, Belindas, Hoyo de Monterrey.

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Complete assortment of Huyler's Confections, in boxes and baskets. Elegant fancy baskets, filled with the choicest and best sweet-tooth delicacies, from \$2.00 to \$5.00, containing one-half to five pounds at the regular Huyler price.

Other good grades of Chocolates and Bonbons at lower prices and a full selection of other Candies in boxes and loose.

Huntley & Palmer's English Crackers

We have just received a fresh importation of these famous Biscuits, including many new varieties. Also, decorated tins, especially for the holidays, filled with different Fancy Biscuits.

New Conserved Fruits

Strawberries, Weisbaden Prunes, Apples, Black, Pineapples, Cherries, Violets and Rose Leaves. Absolutely the best goods on the market.

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Branded or Pickled Peaches, Pears, Figs, Cherries and Maroons. Fresh Whole Peaches, Pears, White or Red Cherries, Figs, and Mixed Fruits. California Figs Red or White Cherries and Mixed Fruits.

Xmas Nuts

Our stock of Holiday Nuts this year is the best we've ever bought. We were fortunate enough to purchase a quantity of fine Louisiana Soft Shell Pecans, extra large—perhaps the only lot of the kind on sale now in Richmond.

Other offerings in this line are Long Nipples Filberts, Princess Paper Shell Almonds, California Nonpareil Almonds, Tarragona Almonds, Mayette Grenoble Walnuts, Brazil Nuts and Brazil Pods, Mixed Nuts, Pecans shelled whole, also Shelled Almonds and English and Black Walnuts.

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